

Remarks

The following numbered paragraphs are provided to respond to the similarly numbered paragraphs in the Office Action (e.g., paragraph "1" below corresponds to paragraph 1 in the Office Action).

1 - 2. The Office Action indicated that the information disclosure statement filed on 5-9-03 failed to comply with the provisions covering IDSs in the CFR. Applicant states here that Applicant did not intend to file the 5-9-03 IDS in the present case and instead intended to file the IDS in a related pending continuation of the present case. Applicant believes all of the references submitted in the 5-9-03 IDS were previously submitted in this case and therefore have been previously considered. For instance, the foreign references identified in paragraph 1 of the Office Action were submitted and considered by the Examiner on January 9, 2003. The non-patent references were considered at various times throughout this prosecution. Applicant apologizes for any inconvenience that this oversight has caused the Examiner.

3. Thank you for entering the supplemental Declaration.

4. Applicant has submitted a substitute specification as requested by the Examiner.

5 - 6. Applicant will submit a terminal disclaimer in this case to overcome the double patenting rejection related to claims 37, 39 and 40 in response to the next Office Action if a terminal disclaimer is necessary given the above amendments to claims 37 and 39.

7 - 8. Claims 79 and 80 have been amended to overcome the antecedent basis problem identified by the Examiner.

9 - 19. The Office Action rejected each of claims 37, 39-46, 76 and 81-85 as anticipated by Kelley. Applicant has amended claim 37 to overcome this rejection.

Claim 37 now requires (i.e., includes in the body of the claim), among other things, a display board having first and second mounting interfaces and first and second pivotal interfaces adapted to engage the first and second mounting interfaces where the display board is removably pivotally coupled to the mounting structure. Kelley fails to teach many of the limitations of claim 37.

First, Kelley fails to teach or suggest a display board.

Second, Kelley fails to teach first and second mounting interfaces. To this end, Applicant agrees that rail 20 is akin to some type of mounting interface but cannot agree that member 60 is a mounting interface. In this regard, Kelley teaches that member 60 is a "standoff" attached to the back of container 30. Here, standoff 60 is provided as an extension of container 30 to contact a wall and maintain the container 30 in an upright position (see col. 3, lines 35 – 44). Thus, standoff 60 is rigidly attached to the container and is not a mounting interface as required by claim 37.

Third, none of Kelley's structure is akin to either a first or a second pivotal interface. In this regard, standoff 60 has a flat surface that contacts a wall member and hence, if anything, hinders pivotal motion (see col. 3, lines 51 – 52 that teach that member 60 in fact prevents rotation). Standoff 60 does not pivot with respect to container 30 as Kelley teaches that standoff 60 is secured to container 30 via multiple screws (see col. 3, lines 40 – 41) - where multiple screws are employed pivotal motion is prohibited.

The upper assembly including track 20 and slot key 50 also does not include a pivotal interface. In this regard, when container 30 is mounted to rail 20, a distal lower end 58 of a coupler 56 is received within channel 28 formed by rail 20. Kelley teaches:

"It can be seen that a simple upward motion of unit 30 will force the ends of channel 28 and coupler portion 56 to contact one another, preventing removal of key 50 from rail 20, and the presence of standoff 60 prevents rotation of bottom-heavy unit 30 which would otherwise disengage slot key 50 from rail 20.... Removal can be accomplished by pushing the unit 30 back up against the rail 20, so that slot key 50 meets insert panel 70. At this point, coupler portion 56 of slot key 50 has disengaged the channel 28 of rail 20, and the unit 30 may be lifted up and forward to complete the removal." (See col. 3, lines 47 – 60; emphasis added).

Just as upward motion of unit 30 is restricted by interaction between coupler 56 surfaces and channel 28 surfaces, so to pivotal motion around any axis is prohibited by coupler 56 and channel 28 surfaces.

With respect to claim 39, the comments above with respect to claim 37 are applicable. In addition, Kelley's member 62 is one of a multiple number (i.e., at least 2) of screws (see again col. 3, lines 40 – 41) required by Kelley to mount standoff 60 to container 30 and therefore is not part of any type of pivotal interface.

With respect to claim 40, Kelley's member 62 is one of a multiple number (i.e., at least 2) of screws (see again col. 3, lines 40 – 41) required by Kelley to mount standoff 60 to container 30 and therefore is not part of any type of pivotal interface.

With respect to claim 44, again Applicant points out that member 60 and screws 62 do not provide a pivotal interface and instead provide a standoff rigidly secured to container 30. Thus member 60 cannot provide any of the limitations required by claim 44.

With respect to claim 45, member 60 is not coupled to rail 20 but instead rests on the wall surface that rail 20 is attached to. Thus, the wall is not akin to a frame that couples rail 20 to member 60.

With respect to claim 76, member 60 is not secured thereto and therefore wall 18 is not properly considered a base. In addition, as indicated above, screws (plural) cannot be considered a pivotal interface as they prohibit pivotal motion.

With respect to each of claims 81 and 82 the Kelley structure prohibits pivotal motion and therefore it makes no sense to say that Kelley's pivotal interfaces are coaxial.

20. With respect to the comments regarding claims 37 and 39, Applicant is clear that Kelley's structure cannot perform the intended use of either of claims 37 and 39 – specifically, providing a display board that is removably pivotally coupled to a mounting structure. Here, as indicated above, standoff 60 and screws 62 are rigidly attached to container 30 and hence prohibit pivotal motion. In addition, key 50 and rail 20 also prohibit pivotal motion in the manner described above.

21. With respect to claims 41, 43, 46 and 83 the display board is now positively claimed in each of claim 37 and 39.

22. Applicant thanks the Examiner for indicated that claims 45, 75, 77 and 78 would be allowed if rewritten in independent form. In the event that the amendments to claims 37 and 39 do not overcome the prior art Applicant will consider amending claims 47, 75, 77 and 78 to render those claims independent.


23. Applicant thanks the Examiner for indicated that claims 79 and 80 would be allowed if rewritten in independent form and to overcome the 112 issues. Applicant has amended claims 79 and 80 to overcome the 112 issues. In the event that the amendments to claims 37 and 39 do not overcome the prior art Applicant will consider amending claims 79 and 80 to render those claims independent.

Applicant has introduced no new matter in making the above amendments and antecedent basis exists in the specification and claims as originally filed for each amendment. In view of the above amendments and remarks, Applicant believes claims 37, 39-47, and 75-85 of the present application recite patentable subject matter and allowance of the same is requested. No fee in addition to the fees already authorized in this and accompanying documentation is believed to be required to enter this amendment, however, if an additional fee is required, please charge Deposit Account No. 17-0055 in the amount of the fee.

Respectfully submitted,

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